

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RANDY PEREZ,

Plaintiff,

v.

CERVANTES, et al.,

Defendants.

No. 1:22-cv-00390-ADA-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF CERTAIN CLAIMS AND  
DEFENDANTS

(ECF No. 18)

Plaintiff Randy Perez is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 22, 2022, the Magistrate Judge issued findings and recommendations recommending that this action proceed on Plaintiff's first amended complaint, filed June 22, 2022, (ECF No. 15), against Defendant Cervantes for excessive force in violation of the Eighth Amendment. (ECF No. 18.) The Magistrate Judge further recommended that all other claims and defendants be dismissed from this action based on Plaintiff's failure to state claims upon which relief may be granted. (*Id.*) The findings and recommendations were served on Plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 11.) No objections have been filed, and the deadline to do so has expired.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
2 de novo review of this case. Having carefully reviewed the entire file, the Court finds the  
3 findings and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on August 22, 2022, (ECF No. 18), are  
6 adopted in full;
- 7 2. This action shall proceed on Plaintiff's first amended complaint, filed June 22, 2022,  
8 (ECF No. 15), against Defendant Cervantes for excessive force in violation of the  
9 Eighth Amendment;
- 10 3. All other claims and defendants are dismissed from this action for failure to state a  
11 claim upon which relief may be granted; and
- 12 4. This action is referred back to the Magistrate Judge for proceedings consistent with  
13 this order.

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16 IT IS SO ORDERED.

17 Dated: November 2, 2022

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UNITED STATES DISTRICT JUDGE